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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

VINCENT MASINO, as International Trustee of
the Pavers and Road Builders District Council,
Highway, Street and Road Construction Workers
Local 1010 a/w Laborers' International Union of
North America, and Asphalt Workers' Local 1018
a/w Laborers' International Union of North
America, LABORERS' INTERNATIONAL
UNION OF NORTH AMERICA, PAVERS AND
ROAD BUILDERS DISTRICT COUNCIL,
HIGHWAY, STREET AND ROAD
CONSTRUCTION WORKERS LOCAL 1010
a/w LABORERS' INTERNATIONAL UNION
OF NORTH AMERICA, and ASPHALT
WORKERS' LOCAL 1018 a/w LABORERS'
INTERNATIONAL UNION OF NORTH
AMERICA,

Plaintiffs,

v.

DAVID MONTELLE, ROCCO CIANCIO,
LUCIANO FALZONE, DONALD CRANSTON,
JR., ANTHONY FASULO, JOSEPH
MORANDE, and RICCARDO IACCARINO,

Defendants.

ECF CASE

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ MAY 31 2005 ★

BROOKLYN OFFICE

ORDER

Docket No. 05CV2447

Plaintiffs' Motion for a Temporary Restraining Order having been heard on the
Complaint, Plaintiffs' Memorandum of Law in Support of Motion, the record in this case,

and the Certificate of Counsel pursuant to Federal Rule of Civil Procedure Rule 65(b), and it appearing to the Court that Defendants are about to commit acts that will inflict irreparable injury on Plaintiffs and also that such injury is likely to occur before Plaintiffs' Motion for Preliminary Injunction can be heard and determined; therefore IT IS ORDERED that:

(1) Defendants, their agents, employees, successors, attorneys, and all persons in active concert and participation with them are restrained from directly or indirectly taking any steps to interfere with the authority of Plaintiffs to determine who shall act as union-appointed Trustees on the Pavers and Road Builders District Council Pension, Welfare, Annuity and Training Funds ("Pavers District Council Funds");

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~~(2) Defendants, their agents, employees, successors, attorneys, and all persons in active concert and participation with them, other than those individuals approved by Plaintiffs, are restrained from directly or indirectly taking any action as Trustees of the Pavers District Council Funds or from representing himself or herself as such;~~

~~(3) Defendants David Montelle, Rocco Cianco and Luciano Falzone are removed immediately as Trustees on the Pavers District Council Funds;~~

~~(4) David Elbaor, Esq.; Robert Cheverie, Esq.; and Vincent Masino are appointed immediately as the union-appointed Trustees on the Pavers District Council Funds;~~

FURTHER ORDERED that this Order expire on the 10th day after entry unless within such time the order is extended by the Court or unless the Defendants consent that the order may be extended for a longer period.

FURTHER ORDERED that Plaintiffs' Motion for Preliminary Injunction be set for hearing on June 3, 2005, at 3 PM in Room 621. The motion is referred to the U.S. Magistrate Judge.
Issued at Brooklyn on May 19, 2005.
N.Y.

SO ORDERED.

s/Edward R. Korman

United States District Judge

67657

Order
gfk This order & the accompanying papers should be served personally on May 20, 2005 and also by overnight mail. Any reply should be filed by May 27, 2005.
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